

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION

DENNIS KOLASA,  
individually and on behalf of all others  
similarly situated,

*Plaintiff,*

Civil Action No. 2:17-cv-01087-MPK

v.

BOS SOLUTIONS, INC.,

*Defendant.*

~~PROPOSED~~ ORDER OF DISMISSAL AND FINAL JUDGMENT

On February 6, 2019, the Court approved the parties' settlement. (Doc. 124, Order Granting Plaintiffs' Unopposed Motion to Approval Collective Action Settlement) In accordance with the settlement, Class Members (identified in Exhibit A to Plaintiff's Motion for Approval of the Settlement) have received notice of the settlement and an opportunity to participate in the settlement, and settlement payments have been delivered to the participating class members. The parties have filed with the Court a list of the participating class members. (Doc. 129-1)

Therefore, the Court HEREBY ORDERS and MAKES DETERMINATIONS as follows:

1. Class Members received a Notice of Settlement explaining the terms and conditions of the settlement. A Claim Form accompanied the Notice, with the applicable materials sent to each recipient via first class United States Mail and email, at his or her last known address.

2. The persons identified on Doc. 129-1 submitted Claim Forms agreeing to be bound by the parties' Settlement Agreement (together, these releasing plaintiffs are the "Settling Class Members").

3. All Settling Class Members received settlement payments in accordance with the Settlement Agreement.

4. For the reasons stated in the Court's Order approving the settlement (Doc. 124), based on the above findings, and pursuant to the settlement, all Settling Class Members have released and are permanently barred from prosecuting the "Released Claims" against the "Released Parties" (as defined below).

5. The "Released Claims" include: any and all state, local, or federal claims, obligations, demands, actions, rights, causes of action, and liabilities, whether known or unknown, against Defendant and the Released Parties (as defined below) for alleged unpaid overtime compensation, under- or delayed payment of compensation, nonpayment of compensation, liquidated or other damages, unpaid costs, penalties (including late payment penalties), premium pay, interest, attorneys' fees, litigation costs, restitution, or any other compensation or forms of relief arising under the Fair Labor Standards Act ("FLSA"), the Ohio Minimum Fair Wage Standards Act, the Ohio Prompt Pay Act, Ohio Rev. Code § 4113.15, the Pennsylvania Minimum Wage Act, or any other federal, state, or local law, accruing at any time prior to the negotiation of a settlement check. In addition to the above-described claims, the "Released Claims" include all claims of any kind, whether known or unknown, against Defendant and the Released Parties by named Plaintiff Kolasa.

6. The "Released Parties" include BOS Solutions, Inc. and its current, former, and future owners, affiliates, investors, parents, subsidiaries, related entities, merged entities,

predecessors, successors, divisions, joint ventures, and assigns, and each of those entities' respective past or present directors, officers, employees, partners, members, employee benefit plan administrators and fiduciaries, trustees, principals, agents, insurers, co-insurers, re-insurers, managers, shareholders, attorneys, and personal or legal representatives, in their individual and corporate capacities. Specifically excluded from the "Released Parties" definition are the staffing companies that provided Class Members to Defendant.

7. The Court makes no finding or judgment as to the validity of any Released Claim or whether Defendant is liable under the Fair Labor Standards Act, the Ohio Minimum Fair Wage Standards Act, the Ohio Prompt Pay Act, Ohio Rev. Code § 4113.15, the Pennsylvania Minimum Wage Act, or any other law.

8. The parties are ordered to comply with the terms of the Settlement Agreement.

9. The claims of the Settling Class Members are hereby ordered dismissed with prejudice, each side to bear its own costs and attorney's fees except as provided by the Settlement Agreement. The claims of all Class Members who are not Settling Class Members are ordered dismissed without prejudice.

10. Without affecting the finality of this Order of Dismissal and Final Judgment in any way, the Court retains jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation, and enforcement of this Order and the Settlement Agreement.

IT IS SO ORDERED.

Dated: November 13, 2019

Van Tassel, Fisher  
JUDGE PRESIDING